IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 33799 of 2006(W)

OS.202/2006 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONERS:

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1. P.M.MUHAMMED KUNJU, AGED 49,
   S/O.MEERAN PILLA, PAZHAMPILLIL,
   MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

2. ANAZ P.S., AGED 29,
   S/O.SAIDU MUHAMMED, VAZHAKKAPPADATHU HOUSE,
   MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

3. ABOOBACKER, AGED 56, S/O.MYTHEEN,
   MULAMBEL HOUSE, MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

4. NISSAR P.A., AGEDD 34, S/O.ALIYAR,
   PAZHAMPILLIL HOUSE, MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

5. SALIM P.S., AGED 27,
   S/O.SAITHU MUHAMMED, PUTHENPURACKAL HOUSE,
   MADYOOR KARA, DO. DO.

6. SAIDU MUHAMMED, AGED 57,
   S/O.MEERAN PILLA, PUTHENPURACKAL HOUSE,
   MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

7. MYTHEEN M.A., AGED 38,
   S/O.ABOOBACKER, MUNDANASSERIPUTHENPURAYIL HOUSE,
   MADYOOR KARA,
   PALLARIMANGALAM, POTHANICADU VILLAGE,
   KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:
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1. STATE OF KERALA,
   REP. BY DISTRICT COLLECTOR,
   CIVIL STATION, KAKKANADU, ERNAKULAM.

2. KERALA KHADI AND VILLAGE INDUSTRIES
   BOARD,
   THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

3. DEPUTY TAHSILDAR (RR),
   TALUK OFFICE, KOTHAMANGALAM.

4. VILLAGE OFFICER,
   POTHANICADU VILLAGE OFFICER,
   POTHANICADU.

BY ADV. SRI.K.P.HARISH,SC,KERALA KHADI BOARD
GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33799 of 2006(W)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PLAINT DTD. 27.04.2006 IN O.S.NO.202/2006 ON THE FILE OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P2: COPY OF THE WRITTEN STATEMENT DTD.25.10.2006 FILED BY RESPONDENT NO.3 IN O.S.NO.202/2006 ON THE FILE OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXT.P3: COPY OF THE ORDER DTD. 04.12.2006 PASSED BY THE LEARNED MUNSIFF OF MUVATTUPUZHA IN O.S.NO.202/2006.

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RESPONDENT'S EXHIBITS: NIL

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// TRUE COPY//

PIUS C. KURIAKOSE,J.

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W.P.(C) No.33799 of 2006

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Dated: 18th July, 2007

JUDGMENT

The plaintiffs in Ext.P1 suit for injunction impugns in this Writ Petition under Article 227 of the Constitution Ext.P3 order of the learned Munsiff under which it has been found that the plaintiffs' valuation of the injunction relief under Section 27(c) of the Kerala Court Fees and Suit Valuation Act. I find that the learned Munsiff has relied on the judgment of this court in **Kunharamu v. Kunhalankutty** (2003(1) KLT 216) and held that since in essence the reliefs sought for is an injunction restraining the authorities under the Revenue Recovery Act from proceeding against the persons and properties of the petitioners for recovery of a total amount of Rs.15,51,559/- mentioned in the demand notice, the proviso to Section 27(c) applies. The strenuous and persuasive submissions of Mr.P.B.Krishnan, learned counsel for the petitioners notwithstanding, I am unable to agree that the judgment of this court in **Kunharamu v. Kunhalankutty** (supra) does not lay down the law correctly. At any rate the impugned order cannot be said to be vitiated to the extent of warranting interference under the visitorial jurisdiction of this court which is invoked only in exceptional circumstances. I

confirm the impugned order and dismiss the Writ Petition. However the time for filing application for seeking appropriate amendments and for remittance of court fees is enlarged by one month from today.

srd **PIUS C.KURIAKOSE, JUDGE**